

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Edward D. Banks and Diane M. Banks,

Plaintiffs,

Civ. No. 10-4972 (RHK/JJK)

v.

ORDER

Kondaur Capital Corporation, LLC and
Shapiro & Zielke, LLP,

Defendants.

This matter is before the Court *sua sponte*.

This action initially was commenced as an adversary proceeding in the bankruptcy case of Plaintiffs Edward and Diane Banks. While pending before the Bankruptcy Court, all of the claims against Defendant Kondaur Capital Corporation, LLC (“Kondaur”) were dismissed, leaving only one claim remaining, against Defendant Shapiro & Zielke, LLP. Shapiro & Zielke then filed a Motion to withdraw the reference to the Bankruptcy Court of that claim, and Plaintiffs indicated they did not oppose the Motion. Accordingly, the undersigned granted the Motion, but in doing so inadvertently withdrew the reference of the *entire case* to the Bankruptcy Court – including the already-dismissed claims against Kondaur – rather than the lone remaining claim against Shapiro & Zielke. (See Doc. No. 8.)

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that the Court’s Order withdrawing the reference of this action to the Bankruptcy Court (Doc. No. 8) is **VACATED IN PART**, *nunc pro tunc* to January 11,

2011 (the date of the Order). The Court's prior Order is **AMENDED** as follows: the reference of Plaintiffs' claim against Shapiro & Zielke to the Bankruptcy Court is **WITHDRAWN**; the remainder of this case shall remain before the Bankruptcy Court. The Clerk of this Court is **DIRECTED** to amend the caption in this action (Civ. No. 10-4972) to reflect that only Shapiro & Zielke is named as a Defendant.

Date: April 14, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge